

PART 82—EXOTIC NEWCASTLE DISEASE (END) AND CHLAMYDIOSIS; POULTRY DISEASE CAUSED BY SALMONELLA ENTERITIDIS

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SOURCE: 61 FR 56883, Nov. 5, 1996, unless otherwise noted.

Subpart A—Exotic Newcastle Disease (END)

§ 82.1 Definitions.

As used in connection with this subpart, the following terms shall have the meaning set forth in this section.

Administrator. The Administrator of the Animal and Plant Health Inspection Service or any individual authorized to act for the Administrator.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture.

Bird. Any member of the class *aves* other than poultry.

Dressed carcasses. Carcasses of birds or poultry that have been eviscerated, with heads and feet removed.

END. Any velogenic Newcastle disease. END is an acute, rapidly spreading, and usually fatal viral disease of birds and poultry.

Exposed. At risk of developing END because of association with birds or poultry infected with END, excrement from birds or poultry infected with END, or other material touched by birds or poultry infected with END, or because there is reason to believe that association has occurred with END or vectors of END, as determined by either a Federal veterinarian or a State veterinarian.

Federal representative. An individual employed and authorized by the Federal government to perform the tasks required by this subpart.

Federal veterinarian. A veterinarian employed and authorized by the Federal government to perform the tasks required by this subpart.

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Hatching eggs. Eggs in which birds or poultry are allowed to develop.

Infected. Affected by the virus or bacterium that causes the specified disease.

Interstate. From one State into or through any other State.

Known to be exposed. Determined by either a Federal veterinarian or a State veterinarian to be at risk of developing END because of association with birds or poultry infected with END, excrement from birds or poultry infected with END, or other material touched by birds or poultry infected with END, or because there is reason to believe that association has occurred with END or vectors of END, as determined by either a Federal veterinarian or a State veterinarian.

Known to be infected. Determined by either a Federal veterinarian or a State veterinarian to be affected by the virus or bacterium that causes the specified disease.

Litter. Material that is used to collect and absorb bodily wastes from birds or poultry.

Moved. Shipped, transported or otherwise moved, or delivered or received for movement, by any person.

Official seal. A serially numbered metal or plastic strip, consisting of a self-locking device on one end and a slot on the other end, that forms a loop when the ends are engaged and that cannot be reused if opened, or a serially numbered, self-locking button that can be used for this purpose.

Person. Any individual, corporation, company, association, firm, partnership, society, joint stock company, or other legal entity.

Pet bird. Any bird that is kept for personal pleasure and is not for sale.

Poultry. Chickens, doves, ducks, geese, grouse, guinea fowl, partridges, pea fowl, pheasants, pigeons, quail, swans, and turkeys.

Recognized slaughtering establishment. Any slaughtering facility operating under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*), or State meat or poultry inspection acts.

Render. Reduce, convert, or melt down by heating to a temperature of at least 230 °F so that oil is removed.

State. Each of the States of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

State animal health official. The State official responsible for livestock- and poultry-disease control and eradication programs.

State representative. An individual employed in animal health work and authorized by a State or political subdivision of a State to perform the tasks required by this subpart.

State veterinarian. A veterinarian employed and authorized by a State or political subdivision of a State to perform the tasks required by this subpart.

Veterinarian in charge. A Federal veterinarian employed by the Animal and Plant Health Inspection Service and authorized by the Administrator to supervise and manage the animal health work of the Animal and Plant Health Inspection Service in a specified area of the United States.

§ 82.2 Criteria for determining birds or poultry to be infected with, exposed to, or free from END.

(a) The determination that birds or poultry are infected with END must be made by either a Federal veterinarian or a State veterinarian.¹ They will base that determination on one or more of the following factors: clinical evidence (signs, post-mortem lesions, and history of the occurrence of END); diagnostic tests;² or epidemiological evidence (evaluation of clinical evidence

¹The location of Federal veterinarians and State veterinarians may be obtained by writing to Emergency Programs, Veterinary Services, Animal and Plant Health Inspection Service, 4700 River Road, Unit 41, Riverdale, MD 20737-1231, or by referring to the local telephone book.

²A copy of the protocols for END diagnostic tests may be obtained by writing to Emergency Programs, Veterinary Services, Animal and Plant Health Inspection Service, 4700 River Road Unit 41, Riverdale, MD 20737-1231. The protocols are also found in "Recommended Uniform Diagnostic Procedures," published by the Committee of the American Association of Veterinary Laboratory Diagnosticians.

and the degree of risk posed by the potential spread of END based on population and exposure factors, including evaluation of whether the birds and poultry have had the opportunity to be in contact with birds or poultry infected with END or with excrement from birds or poultry infected with END, or if the birds and poultry have shared feed or water with birds or poultry infected with END).

(b) The determination that birds or poultry are exposed to END must be made by either a Federal veterinarian or a State veterinarian. They will base that determination on an evaluation of all related circumstances, including: the proximity of the birds or poultry to birds or poultry infected with END, to excrement from birds or poultry infected with END, and to other material touched by birds or poultry infected with END; the number of birds or poultry infected with END to which the birds or poultry were exposed; the species involved; the virulence of the END to which the birds or poultry were exposed; and the length of time the birds or poultry were in contact with birds or poultry infected with END, and to material touched by birds or poultry infected with END. Birds or poultry determined to be exposed to END will continue to be treated as exposed unless they are subsequently determined to be infected with END or until either a Federal veterinarian or a State veterinarian finds them to be free of END based on one or more of the factors listed in paragraph (a) of this section.

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§ 82.3 Quarantined areas.

(a) Any area where birds or poultry infected with END are located will be designated as a quarantined area. A quarantined area is any geographical area, which may be a premises or all or part of a State, deemed by epidemiological evaluation to be sufficient to contain all birds or poultry known to be infected with or exposed to END. Less than an entire State will be designated as a quarantined area only if the State enforces restrictions on intrastate movements from the quarantined area that are at least as stringent as this subpart.

(b) Any area designated as a quarantined area because of END will remain designated as a quarantined area until all of the requirements of § 82.14 have been met.

(c) The following areas are quarantined because of END:

CALIFORNIA

Los Angeles, Riverside, and San Bernardino Counties. All of Los Angeles County. That portion of San Bernardino County south of State Highway 58 and bounded by an imaginary line beginning at the intersection of the Kern County line and State Highway 58; then southeast along State Highway 58 to Interstate Highway 15; then south along Interstate Highway 15 to State Highway 247; then southeast along State Highway 247 to State Highway 62; then south along State Highway 62 to the Riverside County line. That portion of Riverside County south of the Riverside County line and bounded by an imaginary line beginning at the intersection of State Highway 62 and the Riverside County line; then south along State Highway 62 to Interstate Highway 10; then southeast along Interstate Highway 10 to State Highway 111 (Golf Center Parkway); then south along State Highway 111 to State Highway 86; then southeast along State Highway 86 to the Imperial County line.

[61 FR 56883, Nov. 5, 1996, as amended at 67 FR 70675, Nov. 26, 2002]

§ 82.4 General provisions.

(a) *Prohibitions.* The following articles may not be moved interstate from a quarantined area:

(1) Dead birds and dead poultry, including any parts of the birds or poultry, that are infected with END, or are from a flock of birds or poultry infected with END;

(2) Litter used by or manure generated by birds or poultry, or a flock of birds or poultry, infected with END;

(3) Any eggs from birds or poultry, or a flock of birds or poultry, infected with END;

(4) Hatching eggs from flocks of birds or poultry exposed to END; and

(5) Live birds or live poultry from flocks infected with or exposed to END.

(b) *Restrictions.* The following articles may be moved interstate from a quarantined area only in accordance with this subpart:

(1) Live birds or live poultry not known to be infected with or exposed to END;

(2) Dressed carcasses of birds and poultry, and other dead birds and dead poultry, including any parts of the birds or poultry, that are not known to be infected with END;

(3) Litter used by or manure generated by birds or poultry not known to be infected with END;

(4) Eggs, other than hatching eggs, from birds or poultry from flocks not known to be infected with END;

(5) Hatching eggs from birds or poultry not known to be infected with or exposed to END; and

(6) Cages, coops, containers, troughs, vehicles, or other equipment used for birds, poultry, eggs, manure, or litter.

(c) *Exceptions.* This subpart does not apply to the interstate movement of birds, poultry, or other articles from a quarantined area if the interstate movement is made by the United States Department of Agriculture for purposes of research or diagnosis.

§ 82.5 Interstate movement of live birds and live poultry from a quarantined area.

(a) *Pet birds.* An individual may move his or her pet birds interstate from a quarantined area if the birds are not known to be infected with or exposed to END and:

(1) The birds are accompanied by a permit obtained in accordance with § 82.11;

(2) Epidemiological evidence, as described in § 82.2(a), indicates that the birds are not infected with any communicable disease;

(3) The birds show no clinical signs of sickness (such as diarrhea, nasal discharge, ocular discharge, ruffled feathers, or lack of appetite) during the 90 days before interstate movement;

(4) The birds have been maintained apart from other birds and poultry in the quarantined area during the 90 days before interstate movement;

(5) The birds have been under the ownership and control of the individual

to whom the permit is issued for the 90 days before interstate movement;

(6) The birds are moved interstate by the individual to whom the permit is issued;

(7) The birds are caged while being moved interstate;

(8) The individual to whom the permit is issued maintains ownership and control of the birds and maintains them apart from other birds and poultry from the time they arrive at the place to which the individual is taking them until a Federal representative or State representative³ examines the birds and determines that the birds show no clinical signs of END. The examination will not be less than 30 days after the interstate movement;

(9) The individual to whom the permit is issued allows Federal representatives and State representatives to examine the birds at any time until they are declared free of END by either a Federal veterinarian or a State veterinarian;

(10) Within 24 hours of a bird's dying or showing clinical signs of sickness (such as diarrhea, nasal discharge, ocular discharge, ruffled feathers, or lack of appetite), the individual to whom the permit is issued notifies the veterinarian in charge or the State animal health official⁴ in the State to which the birds are moved; and

(11) The individual to whom the permit is issued submits copies of the permit so that a copy is received by the State animal health official and the veterinarian in charge for the State of destination within 72 hours of the arrival of the birds at the destination listed on the permit.

(b) *Other birds and poultry.* Except as provided for pet birds in paragraph (a) of this section, a person may move live birds and live poultry that are not

³The location of Federal representatives and State representatives may be obtained by writing to Emergency Programs, Veterinary Services, Animal and Plant Health Inspection Service, 4700 River Road Unit 41, Riverdale, MD 20737-1231.

⁴The location of the veterinarian in charge or the State animal health official may be obtained by writing to Emergency Programs, Veterinary Services, Animal and Plant Health Inspection Service, 4700 River Road Unit 41, Riverdale, MD 20373-1231, or by referring to the local telephone book.

known to be infected with or exposed to END interstate from a quarantined area only if:

(1) The birds and poultry are accompanied by a permit obtained in accordance with § 82.11;

(2) The birds or poultry are covered in such a way as to prevent feathers and other debris from blowing or falling off the means of conveyance;

(3) The birds or poultry are moved in a means of conveyance either under official seal or are accompanied by a Federal representative;

(4) Except for emergencies, the birds or poultry are not unloaded until their arrival at the destination listed on the permit required by paragraph (b)(1) of this section;

(5) If poultry, the poultry are moved interstate to a recognized slaughtering establishment⁵ and are slaughtered within 24 hours of arrival at the recognized slaughtering establishment;

(6) If birds other than poultry, the birds are moved to a site approved by the Administrator; and

(7) The permit required by paragraph (b)(1) of this section is presented upon arrival at the recognized slaughtering establishment or approved site to a State representative or Federal representative. Copies of the permit must also be submitted so that a copy is received by the State animal health official and the veterinarian in charge for the State of destination within 72 hours of arrival at the recognized slaughtering establishment.

(Approved by the Office of Management and Budget under control number 0579-0116)

§ 82.6 Interstate movement of dead birds and dead poultry from a quarantined area.

(a) Except as provided in paragraph (b) of this section for dressed carcasses, dead birds and dead poultry, including any parts of the birds and poultry, that are not known to be infected with END may be moved interstate from a quarantined area only if:

(1) The dead birds and dead poultry are accompanied by a permit obtained in accordance with § 82.11;

(2) The dead birds and dead poultry are covered in such a way as to prevent feathers and other debris from blowing or falling off the means of conveyance;

(3) The dead birds and dead poultry are moved in a means of conveyance either under official seal or accompanied by a Federal representative;

(4) The dead birds and dead poultry are not unloaded until their arrival at the destination listed on the permit required by paragraph (a)(1) of this section;

(5) The dead birds and dead poultry are moved, without stopping, to the destination listed on the permit required by paragraph (a)(1) of this section, except for normal traffic conditions, such as traffic lights and stop signs;

(6) The dead birds and dead poultry are disposed of, within 24 hours after being loaded for interstate movement, by burial or composting in accordance with the procedures set forth in § 82.14(c)(1) and (c)(2), or by rendering, incineration, or other means approved by the Administrator as being adequate to prevent the dissemination of END; and

(7) Copies of the permit accompanying the dead birds and dead poultry interstate are submitted so that a copy is received by the State animal health official and the veterinarian in charge for the State of destination within 72 hours of the arrival of the dead birds and dead poultry at the destination listed on the permit required by paragraph (a)(1) of this section.

(b) Dressed carcasses from birds and poultry that are not known to be infected with END may be moved interstate from a quarantined area only if:

(1) The dressed carcasses are from birds or poultry that were slaughtered in a recognized slaughtering establishment;⁶

(2) The dressed carcasses are accompanied by a permit obtained in accordance with § 82.11;

(3) The dressed carcasses are moved in a means of conveyance either under

⁵A list of recognized slaughtering establishments in any State may be obtained from a Federal representative, the State animal health official, or a State representative.

⁶See footnote 5 to § 82.5.

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official seal or accompanied by a Federal representative;

(4) The dressed carcasses are not unloaded until their arrival at the destination listed on the permit required by paragraph (b)(2) of this section;

(5) The dressed carcasses are moved, without stopping, to the destination listed on the permit required by paragraph (b)(2) of this section, except for normal traffic conditions, such as traffic lights and stop signs; and

(6) Copies of the permit accompanying the dressed carcasses interstate are submitted so that a copy is received by the State animal health official and the veterinarian in charge for the State of destination within 72 hours of the arrival of the dressed carcasses at the destination listed on the permit required by paragraph (b)(2) of this section.

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§ 82.7 Interstate movement of manure and litter from a quarantined area.

Manure generated by and litter used by birds or poultry not known to be infected with END may be moved interstate from a quarantined area only if:

(a) The manure and litter is accompanied by a permit obtained in accordance with § 82.11;

(b) The manure and litter has been heated throughout, in the quarantined area, to a temperature of not less than 175 °F (79.4 °C), and then placed either in a previously unused container or in a container that has been cleaned and disinfected, since last being used, in accordance with part 71 of this chapter;

(c) The declaration or affidavit required by § 82.11(b) lists the location of the poultry or birds that generated the manure or used the litter, and the name and address of the owner of the poultry or birds that generated the manure or used the litter; and

(d) Copies of the permit accompanying the manure and litter interstate are submitted so that a copy is received by the State animal health official and the veterinarian in charge for the State of destination within 72 hours of the arrival of the manure and litter at the destination listed on the permit.

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§ 82.8 Interstate movement of eggs, other than hatching eggs, from a quarantined area.

(a) Eggs, other than hatching eggs, from birds or poultry from flocks not known to be infected with END may be moved interstate from a quarantined area only if:

(1) The eggs are accompanied by a permit obtained in accordance with § 82.11;

(2) The eggs have been cleaned and sanitized in accordance with 7 CFR part 59;

(3) The eggs are packed either in previously unused flats or cases or in used plastic flats or cases that were cleaned and disinfected, since last being used, in accordance with part 71 of this chapter;

(4) The eggs are moved to a facility where they are examined to ensure they have been cleaned and sanitized in accordance with paragraph (a)(2) of this section; and

(5) Copies of the permit accompanying the eggs interstate are submitted so that a copy is received by both the State animal health official and the veterinarian in charge for the State of destination within 72 hours of the arrival of the eggs at the facility.

(b) Any flats or cases intended for reuse after being used to move eggs interstate to a facility under this section must be cleaned and disinfected in accordance with part 71 of this chapter before being moved to a premises where birds or poultry are kept.

§ 82.9 Interstate movement of hatching eggs from a quarantined area.

Hatching eggs from birds or poultry not known to be infected with or exposed to END may be moved interstate from a quarantined area only if:

(a) The hatching eggs are accompanied by a permit obtained in accordance with § 82.11;

(b) Copies of the permit accompanying the hatching eggs are submitted so that a copy is received by both the State animal health official and the veterinarian in charge for the State of destination within 72 hours of the arrival of the hatching eggs at the premises described in paragraph (c) of this section; and

(c) The hatching eggs are held in the State of destination at a premises designated jointly by the veterinarian in charge and the State animal health official from the time of arrival until hatch and the birds and poultry hatched from the eggs are held at the designated premises for not less than 30 days following hatch. During this holding period, the eggs and any birds or poultry hatched from the eggs are subject to any inspections, disinfections, and tests as may be required by the Administrator to determine their freedom from END.

§ 82.10 Interstate movement of vehicles, cages, coops, containers, troughs, and other equipment from a quarantined area.

(a) This section does not apply to cages, coops, or other containers or equipment used by or to move pet birds moved interstate in accordance with § 82.5(a).

(b) Vehicles, cages, coops, containers, troughs, and other equipment that have held or that have otherwise been used in a quarantined area in the handling of birds or poultry or their eggs, or for manure generated by or litter used by the birds or poultry, may be moved interstate from a quarantined area only in accordance with the following conditions:

(1) They are made of hard plastic or metal, and the other conditions of this section are met; or

(2) They are made of a disposable material, such as cardboard, fiber, or waxed cardboard, are previously unused, and are disposed of by incineration without being reused after being moved interstate.

(c) Before moving interstate any vehicles, cages, coops, containers, troughs, or other equipment described in paragraph (b)(1) of this section, and after using these items to move birds, poultry, eggs, manure, or litter interstate from a quarantined area, the vehicles, cages, coops, containers, troughs, and other equipment must be cleaned and disinfected in accordance with paragraphs (c)(1) through (c)(5) of this section:

(1) Clean and disinfect the vehicles, cages, coops, containers, troughs, and other equipment at the place where the

birds, poultry, eggs, manure, and litter are unloaded or where the equipment is used, no more than 2 hours after the birds, poultry, eggs, manure, and litter are unloaded or the equipment is used;

(2) Clean the items in accordance with part 71 of this chapter;

(3) Have a Federal representative or State representative⁷ inspect the items after they have been cleaned;

(4) Disinfect the items in the presence of a Federal representative or State representative; and

(5) Disinfect the items in accordance with part 71 of this chapter and by using a disinfectant as specified in part 71 of this chapter.

(d) If the place where the cleaning and disinfection would otherwise be required has no facilities for cleaning and disinfecting, the items may be moved to a place where facilities are available for cleaning and disinfecting, provided a Federal representative or State representative has determined that such movement will not cause a risk of the spread of END.

(e) Vehicles, cages, coops, containers, troughs, and other equipment that are moved interstate under this section must be accompanied by a permit obtained in accordance with § 82.11, and copies of the permit accompanying the vehicles, cages, coops, containers, troughs, and other equipment interstate must be submitted so that a copy is received by the State animal health official and the veterinarian in charge⁸ for the State of destination within 72 hours of the arrival of the vehicles, cages, coops, containers, troughs, and other equipment at the destination listed on the permit.

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§ 82.11 Issuance of permits.

(a) Application for the permits required by this subpart to move interstate from a quarantined area birds, eggs, poultry, or other items requiring a permit under this part must be in writing. The application must be submitted to a Federal representative or State representative and must include the following:

⁷ See footnote 3 to § 82.5.

⁸ See footnote 4 of § 82.5.

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(1) The applicant's name and mailing address;

(2) The name and mailing address of the person who will receive the birds, eggs, poultry, or other items;

(3) The addresses of both the origin and destination of the birds, eggs, poultry, or other items;

(4) The number and types of birds, poultry, eggs, and other items intended for interstate movement; and

(5) The reason for the interstate movement.

(b) In addition to the information required by paragraph (a) of this section, to obtain permits to move birds, poultry, eggs, manure, litter, cages, coops, containers, troughs, vehicles or other equipment interstate from a quarantined area, an applicant for a permit must submit to a Federal representative or State representative a declaration or affidavit listing the requirements of § 82.5 for live birds or live poultry, § 82.6 for dead birds and dead poultry, § 82.7 for litter or manure, § 82.8 for eggs other than hatching eggs, § 82.9 for hatching eggs, or § 82.10 for cages, coops, containers, troughs, vehicles, and other equipment, and stating that the applicant will move the items interstate only if all of the listed requirements are met.

(Approved by the Office of Management and Budget under control number 0579–0116)

§ 82.12 Other interstate movements and special permits.

(a) A special permit is required for the interstate movement of birds, poultry, or other items whose movement is restricted under this subpart, from a quarantined area in a manner or to a destination other than is specifically prescribed by this subpart, under special conditions determined by the Administrator to be necessary to prevent the dissemination of END. A special permit is required for the disposal of dead birds or dead poultry that are infected with END, or dead birds or dead poultry from flocks infected with END, or manure generated by or eggs from birds or poultry infected with END, in a manner other than is specifically prescribed in this subpart, and for cleaning and disinfection carried out in a manner other than is specifically prescribed in this subpart, under special

conditions determined by the Administrator to be necessary to prevent the dissemination of END. To apply for a special permit, contact the veterinarian in charge⁹ for the State in which the birds, poultry, or other items are located. The Administrator may, at his or her discretion, issue special permits if he or she determines that the activity authorized will not result in the interstate dissemination of END.

(b) The special permit will list the name and address of the person to whom the special permit is issued, and the special conditions under which the interstate movement, disposal, or cleaning and disinfection may be carried out.

(1) For an interstate movement, the special permit will also include the following:

(i) The name and mailing address of the person who will receive the birds, poultry, or other items;

(ii) The addresses of both the origin and destination of the birds, poultry, or other items;

(iii) The number and type of birds, poultry, or other items to be moved interstate; and

(iv) The reason for the interstate movement.

(2) For destruction or cleaning and disinfection, the special permit will also include the following:

(i) The address of the place where the dead birds, dead poultry, manure, or eggs are located; and

(ii) The number and type of birds, poultry, or other items involved.

(c) For an interstate movement, a copy of the special permit must accompany the items moved, and copies must be submitted so that a copy is received by the State animal health official and the veterinarian in charge for the State of destination within 72 hours of the arrival of the birds, poultry, or other items at the destination listed on the special permit.

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⁹See footnote 4 to § 82.5.

§ 82.13 Denial and withdrawal of permits and special permits.

(a) *Denial.* If the Administrator determines that the applicant for a permit or special permit is not complying with or could not comply with this subpart or any special conditions needed to prevent the dissemination of END, or, in the case of a special permit, that the special permit is not required under this subpart, the Administrator may deny the request for a permit or special permit. If the request is denied, the Administrator will send the applicant a written notice explaining why the permit or special permit was denied.

(b) *Withdrawal.* The Administrator may withdraw a permit or special permit, orally or in writing, if he or she determines the person to whom the permit or special permit has been issued is violating either this subpart or some condition specified in the permit or special permit. The Administrator may withdraw the permit or special permit without advance notice if he or she determines that the person to whom the permit or special permit has been issued is violating either this subpart or some condition specified in the permit or special permit in a way that threatens the public health, interest, or safety. The Administrator will send the person to whom the permit or special permit has been issued a written explanation of why the permit or special permit is to be or was withdrawn.

(c) *Appeals.* Denial or withdrawal of a permit or special permit may be appealed to the Administrator within 10 days after receipt of the written notice of denial or withdrawal. The appeal must be in writing¹⁰ and must state all of the facts and reasons upon which the person relies to show that the permit or special permit was wrongfully denied or withdrawn. The Administrator will grant or deny the appeal, in writing, explaining all of the reasons for the decision, as promptly as circumstances allow. In cases where there is a conflict as to any material fact,

the person denied a permit or special permit, or from whom a permit or special permit is withdrawn, shall be given an opportunity for a hearing with respect to the merits of the validity of the denial or withdrawal in accordance with rules of practice adopted for the proceeding.

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§ 82.14 Removal of quarantine.

An area will be removed from quarantine only when all of the following requirements have been met:

(a) All birds and poultry exposed to END in the quarantined area have been found to be free of END;

(b) All birds and poultry infected with END in the quarantined area have been euthanized;

(c) All birds and poultry, including any parts of the birds and poultry, euthanized in accordance with paragraph (b) of this section, and all birds and poultry in the quarantined area, including any parts of the birds and poultry, that died from any cause other than slaughter, have been buried, reduced to ashes by incineration, rendered, or reduced to dust by composting:

(1) If the birds and poultry are buried, all birds and poultry infected with END must be buried in the quarantined area. The birds and poultry must be buried in a location that meets all United States Environmental Protection Agency, State, and local requirements for landfills. They must be buried at least 6 feet deep and be covered at the time of burial with soil; and

(2) If the birds and poultry are composted, all birds and poultry infected with END must be composted in the quarantined area. The birds and poultry must be composted according to the following instructions:

(i) Place a 1-foot layer of litter and manure in a free-standing composter bin, unless the compost pile will be covered in accordance with paragraph (c)(2)(ii) of this section. Add a 6-inch layer of straw, peanut hulls, or wood chips. Add a layer of dead birds or dead poultry, leaving 6 inches between the carcasses and the bin walls. Add water sparingly and cover with 6 inches of a

¹⁰ Written appeals should be sent to the Administrator, c/o Emergency Programs, Veterinary Services, Animal and Plant Health Inspection Service, 4700 River Road, Riverdale, MD 20737-1231.

dry mixture of litter and manure. Repeat the layering process two more times and cap with a double layer of dry manure cake. After the bin is capped off and covered, monitor the temperature in the compost pile daily, using a 36-inch probe-type thermometer. The temperature of the compost pile must reach at least 140 °F. After 30 days from the date the compost pile is created, turn over to aerate the entire mixture. Allow mixture to reach at least 140 °F once again. After completion of the second cycle, the mixture must remain covered with any material that prevents penetration of air and moisture until spread or otherwise utilized. The composted material may not be spread or otherwise utilized until at least 30 days following completion of the second heating cycle.

(ii) Composting of birds and poultry may be accomplished outside of covered bins by following the layering and temperature requirements set forth in paragraph (c)(2)(i) of this section, then covering the compost pile with tarpaulins or 6-mm polyethylene sheets anchored with tires or straw bales. The mixture must be kept moist. The final product may not be spread or otherwise utilized until at least 30 days following completion of the second heating cycle.

(iii) Composting of birds and poultry must be carried out at least 50 yards from any building or pen where poultry and birds are housed and be inaccessible to birds and poultry. Composted material may not be commingled with, or otherwise be brought into contact with, non-composted manure cake;

(d) All eggs produced by birds or poultry infected with or exposed to END in the quarantined area have been buried, reduced to ashes by incineration, or rendered. If the eggs are buried, the eggs must be buried in the quarantined area in a location that meets all United States Environmental Protection Agency requirements and all State and local requirements for landfills. The eggs must be buried at least 6 feet deep and be covered at the time of burial with soil;

(e) All manure generated by or litter used by birds or poultry infected with or exposed to END in the quarantined area has been reduced to ashes by incineration, or has been buried,

composted, or spread on a field and turned under, as follows:

(1) *Burial*. If the manure or litter is buried, the manure and litter must be buried at least 6 feet deep and covered at the time of burial with soil. The manure and litter must be buried in the quarantined area in a location that meets all United States Environmental Protection Agency and State and local requirements for landfills;

(2) *Composting*. If the manure and litter is composted, the manure and litter must be composted in the quarantined area according to the following method: Place the manure and litter in rows 3 to 5 feet high and 5 to 10 feet at the base. The area where the manure, litter, and other material used in composting are placed must be such that there is no runoff from the composted material out of the area, no saturation into the ground, and no moisture, except for that required by this paragraph, onto the composted material from above. The composting area must be at least 50 yards from any building or pen where birds or poultry are housed and be inaccessible to birds and poultry. The manure and litter must be mixed so as to attain a carbon to nitrogen ratio of approximately 30:1, a moisture content of between 40 to 50 percent, and a supply of oxygen to the composted material. If a carbon source other than manure or litter is needed, wood chips, straw, or peanut hulls may be used. The manure and litter must be covered with tarpaulin or 6-mm polyethylene sheets, be anchored with tires or straw bales, and be mixed to ensure adequate ventilation every 10 to 15 days. The composted material must rise to a temperature of 140 °F, as determined by use of a 36-inch probe-type thermometer. The composted material may not be spread or otherwise utilized for at least 30 days from the time the 140 °F temperature is reached; and

(3) *Spreading and turning under*. Spreading and turning under of manure or litter may be used as a means of disposal only if carried out under the direct supervision of a Federal representative or a State representative. If the manure or litter is spread on a field and turned under, the field must be in the quarantined area, at least 50 yards away from any building or pen where

poultry or birds are housed, and inaccessible to birds and poultry. The manure or litter must be turned under within 24 hours of being spread on the field, and the field must be left undisturbed for at least 30 days;

(f) All vehicles with which the birds or poultry infected with or exposed to END or their excrement or litter have had physical contact have been cleaned and disinfected in accordance with part 71 of this chapter. The vehicles have been inspected after cleaning, and before disinfection, by a Federal representative or State representative, and then have been disinfected in the presence of a Federal representative or State representative with a disinfectant listed in part 71 of this chapter;

(g) All cages, coops, containers, troughs, and other equipment used for birds or poultry infected with or exposed to END, or their excrement or litter have been reduced to ashes by incineration, or have been cleaned and disinfected in accordance with part 71 of this chapter. The items must be inspected after cleaning, and before disinfection, by a Federal representative or State representative, and then must be disinfected in the presence of a Federal representative or State representative, with a disinfectant listed in part 71 of this chapter; and

(h) The premises where birds or poultry infected with or exposed to END were located have been cleaned and disinfected in accordance with part 71 of this chapter. The premises have been inspected after cleaning, and before disinfection, by a Federal representative or State representative, and then have been disinfected in the presence of a Federal representative or State representative with a disinfectant listed in part 71 of this chapter.

(Approved by the Office of Management and Budget under control number 0579-0116)

§ 82.15 Replacement birds and poultry.

Birds and poultry that have been destroyed because of a quarantine for END may not be replaced by birds or poultry moved interstate into the quarantined area until the Administrator decides that END has been eradicated and that replacement birds or poultry will not become infected with END.

Subpart B—Chlamydiosis in Poultry

§ 82.19 Definitions.

As used in connection with this subpart, the following terms shall have the meaning set forth in this section.

Accredited veterinarian. A veterinarian approved by the Administrator in accordance with part 161 of this chapter to perform functions specified in subchapters B, C, and D of this chapter.

Administrator. The Administrator of the Animal and Plant Health Inspection Service or any individual authorized to act for the Administrator.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture.

Bird. Any member of the class *aves* other than poultry.

Chlamydiosis. A contagious bacterial disease of birds and poultry, characterized by respiratory and systemic infection. The disease is also known as psittacosis in psittacine birds and as ornithosis in poultry.

Federal representative. An individual employed and authorized by the Federal government to perform the tasks required by this subpart.

Federal veterinarian. A veterinarian employed and authorized by the Federal government to perform the tasks required by this subpart.

Infected. Affected by the virus or bacterium that causes the specified disease.

Interstate. From one State into or through any other State.

Moved. Shipped, transported or otherwise moved, or delivered or received for movement, by any person.

Person. Any individual, corporation, company, association, firm, partnership, society, joint stock company, or other legal entity.

Poultry. Chickens, doves, ducks, geese, grouse, guinea fowl, partridges, pea fowl, pheasants, pigeons, quail, swans, and turkeys.

State. Each of the States of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

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State animal health official. The State official responsible for livestock- and poultry-disease control and eradication programs.

State representative. An individual employed in animal health work and authorized by a State or political subdivision of a State to perform the tasks required by this subpart.

Veterinarian in charge. A Federal veterinarian employed by the Animal and Plant Health Inspection Service and authorized by the Administrator to supervise and manage the animal health work of the Animal and Plant Health Inspection Service in a specified area of the United States.

§ 82.20 General restrictions.

The following items may not be moved interstate:

- (a) Live poultry infected with chlamydiosis;
- (b) Dead poultry that were infected with chlamydiosis when they died, and parts of dead poultry that were infected with chlamydiosis when they died; and
- (c) Offal from poultry infected with chlamydiosis.

§ 82.21 Vehicles, cages, coops, containers, troughs, and other equipment used for infected poultry.

(a) Before moving vehicles, cages, coops, containers, troughs, and other equipment interstate that have held or have otherwise been used in the handling of poultry infected with chlamydiosis, and after using these items to move poultry infected with chlamydiosis interstate, the vehicles, cages, coops, containers, troughs, and other equipment must be cleaned and disinfected in accordance with paragraphs (a)(1) through (a)(5) of this section:

(1) Clean and disinfect the vehicles, cages, coops, containers, troughs, and other equipment at the place where the poultry are unloaded or where the equipment is used, no more than 2 hours after the poultry infected with chlamydiosis are unloaded or the equipment is used;

(2) Clean the items in accordance with part 71 of this chapter;

(3) Have a Federal representative, State representative,¹ or an accredited veterinarian, inspect the items after they have been cleaned;

(4) Disinfect the items in the presence of a Federal representative, State representative, or an accredited veterinarian; and

(5) Disinfect the items in accordance with part 71 of this chapter and by using a disinfectant as specified in part 71 of this chapter.

(b) If the place where the cleaning and disinfection would otherwise be required has no facilities for cleaning and disinfecting, the items may be moved to a place where facilities are available for cleaning and disinfecting, provided a Federal representative or State representative has determined that such movement will not cause a risk of the spread of chlamydiosis.

(c) Vehicles, cages, coops, containers, troughs, and other equipment moved interstate under this section must be accompanied by a permit obtained in accordance with § 82.23, and copies of the permit accompanying the vehicles, cages, coops, containers, troughs, and other equipment interstate must be submitted so that a copy is received by both the State animal health official and the veterinarian in charge² for the State of destination within 72 hours of the arrival of the vehicles, cages, coops, containers, troughs, and other equipment at the destination listed on the permit.

(Approved by the Office of Management and Budget under control numbers 0579–0116 and 0579–0032)

§ 82.22 Cleaning and disinfecting premises.

Premises that contained poultry that were infected with chlamydiosis must be cleaned and disinfected in accordance with this section before any poultry are moved interstate onto the premises.

(a) The premises must be cleaned in accordance with part 71 of this chapter;

(b) After being cleaned, the premises must be inspected by a Federal representative, State representative, or an accredited veterinarian; and

¹See footnote 3 to § 82.5.

²See footnote 4 to § 82.5.

(c) After being inspected, the premises must be disinfected in the presence of a Federal representative, State representative, or an accredited veterinarian, in accordance with part 71 of this chapter, using a disinfectant listed in part 71 of this chapter.

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§ 82.23 Issuance of permits.

(a) Application for the permit required by this subpart to move vehicles, cages, coops, containers, troughs, or other equipment interstate must be in writing, and must be submitted to a Federal representative or State representative. The application must include the following:

- (1) The applicant's name and mailing address;
- (2) The name and mailing address of the person who will receive the items;
- (3) The addresses of both the origin and destination of the items;
- (4) The number and types of items intended for interstate movement; and
- (5) The reason for the interstate movement.

(b) *Exceptions.* This subpart does not apply to the interstate movement of poultry, vehicles, cages, coops, containers, troughs, or other equipment or material if the interstate movement is made by the United States Department of Agriculture for the purposes of research or diagnosis.

(Approved by the Office of Management and Budget under control number 0579-0116)

§ 82.24 Other interstate movements and special permits.

(a) A special permit is required for the interstate movement of items whose movement interstate is restricted under this subpart in a manner or to a destination other than is specifically prescribed by this subpart. A special permit is required for the disinfection of vehicles, premises, cages, coops, containers, troughs, and other equipment by a method other than is specifically prescribed by this subpart. To apply for a special permit, contact the veterinarian in charge for the State in which the items are located. The Administrator may, at his or her discretion, issue special permits if he

or she determines the activity authorized will not increase the risk of spreading chlamydiosis interstate.

(b) The special permit will list the name and address of the person to whom the special permit is issued, and the special conditions under which the interstate movement, or cleaning and disinfection, may be carried out.

(1) For an interstate movement, the special permit will also include the following:

- (i) The name and mailing address of the person who will receive the items;
- (ii) The addresses of both the origin and destination of the items;
- (iii) The number and type of items to be moved interstate; and
- (iv) The reason for the interstate movement.

(2) For cleaning and disinfection, the special permit will also include the following:

- (i) The address of the place where the items are located; and
- (ii) The number and type of items involved.

(c) For an interstate movement, a copy of the special permit must accompany the items moved, and copies must be submitted so that a copy is received by both the State animal health official and the veterinarian in charge for the State of destination within 72 hours of the arrival of the items at the destination listed on the special permit.

(Approved by the Office of Management and Budget under control number 0579-0116)

§ 82.25 Denial and withdrawal of permits and special permits.

(a) *Denial.* If the Administrator determines that the applicant for a permit or special permit is not complying with or could not comply with this subpart or any special conditions needed to prevent the spread of chlamydiosis, or, in the case of a special permit, that the special permit is not required under this subpart, the Administrator may deny the request for a permit or special permit. If the request is denied, the Administrator will send the applicant a written notice explaining why the permit or special permit was denied.

(b) *Withdrawal.* The Administrator may withdraw a permit or special permit, orally or in writing, if he or she determines the person to whom the permit or special permit has been issued is violating either this subpart or some condition specified in the permit or special permit. The Administrator may withdraw the permit or special permit without advance notice if he or she determines that the person to whom the permit or special permit has been issued is violating either this subpart or some condition specified in the permit or special permit in a way that threatens the public health, interest, or safety. The Administrator will send the person to whom the permit or special permit has been issued a written explanation of why the permit or special permit is to be or was withdrawn.

(c) *Appeals.* Denial or withdrawal of a permit or special permit may be appealed to the Administrator within 10 days after receipt of the written notice of denial or withdrawal. The appeal must be in writing³ and must state all of the facts and reasons upon which the person relies to show that the permit or special permit was wrongfully denied or withdrawn. The Administrator will grant or deny the appeal, in writing, explaining all of the reasons for the decision, as promptly as circumstances allow. In cases where there is a conflict as to any material fact, the person denied a permit or special permit, or from whom a permit or special permit is withdrawn, shall be given an opportunity for a hearing with respect to the merits or validity of the denial or withdrawal in accordance with rules of practice adopted for the proceeding.

(Approved by the Office of Management and Budget under control number 0579-0116)

**Subpart C—Poultry Disease
Caused by Salmonella
Enteritidis Serotype Enteritidis**

SOURCE: 56 FR 3738, Jan. 30, 1991, unless otherwise noted. Redesignated at 61 FR 56883, Nov. 5, 1996.

³See footnote 10 to § 82.13.

§ 82.30 Definitions.

As used in connection with this subpart, the following terms shall have the meaning set forth in this section.

Administrator. The Administrator of the Animal and Plant Health Inspection Service or any individual authorized to act for the Administrator.

Animal and Plant Health Inspection Service (APHIS). The Animal and Plant Health Inspection Service of the United States Department of Agriculture.

Authorized laboratory. A laboratory approved by the Administrator to conduct tests in accordance with this subpart. Application for accreditation shall be made in writing by the owner or operator of the laboratory and sent to the Administrator, Animal and Plant Health Inspection Service, Veterinary Services, Center for Planning, Certification, and Monitoring, 4700 River Road Unit 46, Riverdale, MD 20737-1231.

The applying laboratory will bear all costs associated with its application process. The Administrator will approve an authorized laboratory only after consulting with the State animal health official in the State in which the laboratory is located and after determining that the laboratory:

(1) Is supervised by a person holding, as a minimum, a bachelor's degree in either chemistry, microbiology, or a related field and having 1 year's experience in diagnostic microbiology, or equivalent qualifications, as determined by the Administrator;

(2) Has technical personnel assigned to conduct the tests who have received training prescribed by the National Veterinary Services Laboratories (NVSL);

(3) Uses reagents, media, and antigen approved by NVSL;

(4) Maintains laboratory quality control records for the most recent 3 years that samples have been analyzed under this Program;

(5) Demonstrates acceptable levels of systematic laboratory difference, variability, and individual large deviations in the identification of microorganisms. An applying laboratory will successfully demonstrate these capabilities if its diagnostic results from annual check test proficiency studies satisfy the criteria of NVSL;

(6) Follows standard test protocols approved by NVSL;

(7) Maintains complete records of the receipt, analysis, and disposition of official samples for the most recent 3 years that samples have been analyzed under this Program;

(8) Reports results of all tests ordered in accordance with this subpart or in accordance with §145.23(d) of this chapter to the State animal health official and APHIS.¹

(9) Maintains a standards book, which is a permanently bound book with sequentially numbered pages, containing all readings and calculations for diagnostic tests and calibration of instruments. All entries are to be dated and signed by the analyst immediately upon completion of the entry and by his/her supervisor within 2 working days. The standards book is to be retained for a period of 3 years after the last entry is made;

(10) Analyzes NVSL check test proficiency samples and returns the results to NVSL within 3 weeks of sample receipt. This must be done whenever requested by NVSL and at no cost to USDA;

(11) Informs the Administrator by certified or registered mail, within 30 days, when there is any change in the laboratory's ownership, officers, directors, supervisory personnel, or other responsibly connected individual or entity; and

(12) Permits any duly authorized representative of the Secretary to perform both announced and unannounced on-site laboratory reviews of facilities and records during normal business hours and to copy all such records.

The Administrator may revoke the authorized status of a laboratory after determining that the laboratory fails to meet any requirement of this definition. The revocation will be effective on the date written notice of revocation is given to the owner or operator of the laboratory.

¹Training requirements, standard test protocols, and check test proficiency requirements prescribed by the National Veterinary Services Laboratories and the names and addresses of authorized laboratories are available from the Animal and Plant Health Inspection Service, Veterinary Services, Center for Planning, Certification, and Monitoring, 4700 River Road Unit 46, Riverdale, MD 20737-1231.

tion is given to the owner or operator of the laboratory. A laboratory whose accreditation has been revoked may reapply for authorized laboratory status no sooner than 6 months after the effective date of revocation, and must provide written documentation specifying what corrections were made.

Certified Salmonella enteritidis serotype enteritidis Tested Free Flocks. Egg-type chicken breeding flocks that are classified "U.S. S. Enteritidis Monitored" under the National Poultry Improvement Plan (NPIP), or meet the requirements of a State classification plan determined by the Administrator to be equivalent to the NPIP, in accordance with §145.23(d) of this chapter.

Egg production flock. A flock maintained for the purpose of producing eggs for human consumption.

Federal representative. An individual employed and authorized by the Federal government to perform the tasks required by this subpart.

Flock. All of the poultry on one premise.

Hatching eggs. Eggs in which young chickens are allowed to develop.

Infected flock. A flock that does not contain separate poultry houses as defined by this section, and in which any poultry has tested positive for *Salmonella enteritidis* serotype *enteritidis* in accordance with the blood and internal organ tests of §82.32(c) or (e)(2) of this subpart.

Infected poultry house. A poultry house containing chickens determined to be infected with *Salmonella enteritidis* serotype *enteritidis* in accordance with §82.32(c) or (e)(2) of this subpart.

Internal organs. All internal organs except for the lungs and organs of the gastrointestinal tract.

Interstate. From one State into or through any other State.

Move (moving, moved, movement). Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any means.

Multiplier breeding flock. A flock that is intended for the production of hatching eggs used for the purpose of producing progeny for commercial egg production.

Newly-hatched chicks. Chicks that have not been fed or watered for the first time.

Poultry. Chickens of all ages, including eggs for hatching.

Poultry house. A building or other structure used to house poultry.

Primary breeding flock. A flock composed of one or more generations that is maintained for the purpose of establishing or continuing multiplier breeding flocks for the ultimate purpose of commercial egg production.

Separate poultry house. A poultry house that has been determined by a Federal or State representative to have biosecurity to prevent the transmission of communicable disease to other poultry houses. Biosecurity means that flock management procedures are in place to ensure that there is no contact between poultry houses through exposure to chickens, feed, water, manure, equipment, or personnel from other poultry houses.

State. Any State, the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands of the United States, and any other territory or possession of the United States.

State representative. An individual employed in animal health work and authorized by a State or political subdivision of a State to perform the tasks required by this subpart.

Study flock. A flock determined in accordance with § 82.32(a) of this part to be a study flock, based on:

(1) A determination by a Federal representative or State representative through epidemiologic investigation that the flock is the probable source of disease in an outbreak of disease in poultry or humans caused by *Salmonella enteritidis* serotype *enteritidis*, or

(2) A determination by a Federal representative or State representative that the flock has received progeny from a primary breeding flock or multiplier breeding flock that has had a positive organ sample in accordance with § 145.23(d) of this chapter, after the date of the last negative environmental sample for the primary breeding flock or multiplier breeding flock in accordance with § 145.23(d) of this chapter.

Test flock. A flock that does not contain separate poultry houses as defined by this section, and in which any manure and egg transport machinery samples have tested positive for *Salmonella enteritidis* serotype *enteritidis* in accordance with § 82.32(b) or (b)(2)(ii) of this subpart.

Test poultry house. A poultry house determined in accordance with § 82.32(b) or (b)(2)(iii) of this subpart to have tested positive for *Salmonella enteritidis* serotype *enteritidis* by isolation of the bacterium from one or more manure or egg transport machinery samples, and designated for blood and internal organ testing in accordance with § 82.32(c) of this subpart.

[56 FR 3738, Jan. 30, 1991, as amended at 57 FR 778, Jan. 9, 1992; 59 FR 67613, Dec. 30, 1994; 61 FR 11517, Mar. 21, 1996; 66 FR 21062, Apr. 27, 2001]

§ 82.31 Applicability.

The regulations in this subpart apply only to primary and multiplier breeding flocks used for the purpose of producing progeny for commercial egg production, and to egg production flocks used for the purpose of producing table eggs for sale or other distribution in interstate commerce or for export.

§ 82.32 Identification of study flocks, test poultry houses, test flocks, infected poultry houses, and infected flocks.

Only a Federal representative or State representative² may make a determination in accordance with this subpart that an egg production flock is a study flock, a test flock, or an infected flock, or that a poultry house is a test poultry house or an infected poultry house. The Federal representative or State representative shall also determine which subunits of a flock meet the definition of a separate poultry house in § 82.30 of this subpart. Immediately after a study flock, test flock, infected flock, test poultry

²The location of Federal or State representatives can be obtained by writing to the Animal and Plant Health Inspection Service, Veterinary Services, Center for Planning, Certification, and Monitoring, 4700 River Road Unit 46, Riverdale, Maryland 20737–1231.

house, or infected poultry house is identified, a Federal representative or a State representative shall notify in writing the person in control of the flock that his or her flock has been determined to be a study flock, test flock, or infected flock, or that specified poultry houses in the flock have been determined to be test poultry houses or infected poultry houses. At any time after such notification, the person in control of such flock, test poultry house, or infected poultry house, upon request of a Federal representative or a State representative, shall make available for review and copying all records maintained in accordance with 7 CFR 59.200³ and all other records of the shipment of poultry and poultry products to and from the flock.

(a) *Study flocks.* An egg production flock shall be determined to be a study flock under the circumstances described in paragraphs (a)(1) or (a)(2) of this section:

(1) The Administrator determines that the flock has been implicated as the probable source of disease in an outbreak of disease in humans or poultry caused by *Salmonella enteritidis* serotype *enteritidis*. The Administrator shall make such a determination after he or she determines that:

(i) Epidemiologic reports from Federal or State health agencies identify the cause of the outbreak as *Salmonella enteritidis* serotype *enteritidis*;

(ii) Eggs were the probable source of the *Salmonella enteritidis* serotype *enteritidis* organisms that caused the outbreak; and

(iii) Shipping records or other evidence reveal that the probable source of the eggs was the flock determined to be a study flock.

(2) A Federal representative or a State representative determines that

the flock has received progeny from an egg-type chicken breeding flock that has had *Salmonella enteritidis* serotype *enteritidis* recovered from the internal organs of one or more chickens through testing in accordance with §145.23(d) of this chapter, at any time since the last negative environmental sample tested for that egg-type chicken breeding house in accordance with §145.23(d) of this chapter.

(b) *Test poultry houses and test flocks.* A separate poultry house in a study flock shall be determined to be a test poultry house if manure and egg transport machinery samples from the house are collected and tested in accordance with this paragraph and one or more of the samples from the house tests positive for *Salmonella enteritidis* serotype *enteritidis*. The entire flock shall be determined to be a test flock if the flock does not contain separate poultry houses as defined in §82.30 of this chapter, and if manure and egg transport machinery samples from any poultry house in the flock test positive for *Salmonella enteritidis* serotype *enteritidis* in accordance with this paragraph. A study flock shall be determined to be a test flock if the person in control of the flock has refused to schedule collection of samples in accordance with paragraph (b)(1) of this section within 48 hours of the time the person in control of the flock was notified in writing by a Federal representative or a State representative that his flock was determined to be a study flock, or if the actions of the person in control of the flock prevent completion of collection of samples in accordance with paragraph (b)(1) of this section within 15 days of the time the person in control of the flock was notified by a Federal representative or a State representative that his flock was determined to be a study flock. If a Federal representative determines on the basis of epidemiologic investigation that any flock is the probable source of disease in three or more outbreaks of disease in humans caused by *Salmonella enteritidis* serotype *enteritidis*, that flock shall be determined to be a test flock; however, such test flocks shall have environmental samples collected and tested in accordance with paragraphs (b)(1) and (d) of this section, and

³In accordance with 7 CFR 59.200, persons engaged in the business of transporting, shipping, receiving, holding, or handling eggs or egg products in commerce shall maintain records for two years showing the receipt, delivery, sale, movement, and disposition of all eggs and egg products handled by them, and shall, upon the request of an authorized representative of the Secretary, permit him, at reasonable times, to have access to and to copy all such records.

any separate poultry houses that test negative in accordance with paragraph (d) of this section shall be released from test poultry house status.

(1) *Sample collection.* A Federal representative or a State representative shall initiate testing of each study flock by collecting the following samples for testing:

(i) *Manure samples.* The Federal representative or State representative shall collect two simultaneous manure samples from each row of cages, or from the floor area if there are no cages, using a sterile 4-inch by 4-inch gauze sponge for each sample. The manure sample shall be collected by fastening the gauze sponges to the scraper frame and running the scraper the full length of the row of cages, if a manure scraper is used on the row; otherwise, collect the manure sample by dragging the swab along the manure pile beneath the cages, or once along the full length of the floor if there are no cages. The gauze sponges used to collect manure samples shall be placed in an 18-ounce whirl-pak plastic bag containing double strength skim milk, and the bag shall be marked with the location of the row or floor area from which the sample is taken.

(ii) *Egg transport machinery samples.* The Federal representative or State representative shall collect one egg transport machinery sample from each row of cages by wiping the egg transport belt and egg escalator, using a sterile 4-inch by 4-inch gauze sponge for each sample. The gauze sponge used to collect egg transport machinery samples for each row shall be placed in an 18-ounce whirl-pak plastic bag containing double strength skim milk, and the bag shall be marked with the location of the row from which the sample is taken.

(2) *Release from test poultry house or test flock status; post-release sampling and testing.* (i) A Federal or State representative shall determine that a separate poultry house is no longer a test poultry house, or that a flock is no longer a test flock, and shall notify in writing the person in control of the house or flock of that determination, after the Federal or State representative determines that, after the house or

flock has been determined to be in test status:

(A) The house or flock has been depopulated, and cleaned, washed, and disinfected in accordance with § 82.37 of this subpart; or,

(B) Blood and internal organ samples from the chickens in the house or flock have been collected and tested in accordance with paragraphs (c) and (d) of this section with no recovery of *Salmonella enteritidis* serotype *enteritidis*.

(ii) For 18 months following the repopulation of a flock or house released from test status, due to depopulation, cleaning, washing, and disinfection pursuant to paragraph (b)(2)(i)(A) of this section, or for 18 months following release of a flock or house from test status, due to testing negative for *Salmonella enteritidis* serotype *enteritidis* pursuant to paragraph (b)(2)(i)(B) of this section, the Administrator may make such periodic collection and testing of samples from the flock or house as he or she determines to be necessary to ensure that the house or flock is free of *Salmonella enteritidis* serotype *enteritidis*; *provided:* that such sample collection and testing will not be performed if the flock or house is participating in a voluntary program approved by the Administrator to control *Salmonella enteritidis* serotype *enteritidis*. If one or more manure or egg transport machinery samples collected and tested in accordance with the provisions of paragraphs (b)(1) and (d) of this section test positive for *Salmonella enteritidis* serotype *enteritidis*, the flock or house from which the sample was taken shall be determined to be a test flock or test poultry house. If one or more internal organ samples collected and tested in accordance with the provisions of paragraphs (c)(2) and (d) of this section test positive for *Salmonella enteritidis* serotype *enteritidis*, the flock or house from which the sample was taken shall be determined to be an infected flock or infected poultry house. If the person in control of the flock or poultry house has refused to schedule sample collection within 48 hours of the time a Federal or State representative requests such sample collection, or has refused to allow completion of sample collection according to the schedule set by the Federal or

State representative, the flock or poultry house shall be determined to be in test status.

(c) *Infected poultry houses and infected flocks.* A test poultry house shall be determined to be an infected poultry house if the house is tested in accordance with this paragraph and *Salmonella enteritidis* serotype *enteritidis* is recovered from the internal organs of one or more chickens in the house. A test flock shall be determined to be an infected flock if the flock is tested in accordance with this paragraph and *Salmonella enteritidis* serotype *enteritidis* is recovered from the internal organs of one or more chickens in the flock. If *Salmonella enteritidis* serotype *enteritidis* is not recovered from the internal organ samples, a second set of blood and internal organ samples from poultry in that house or flock shall be collected and tested in accordance with this paragraph beginning not less than 15 days after the date the first internal organ samples are collected.

(1) *Blood samples.* The Federal representative or State representative shall collect blood samples from 300 chickens in each poultry house, randomly selected from the cage banks that provided manure, or egg transport machinery samples that tested positive in accordance with paragraph (b)(1) of this section, and shall also collect blood samples from any chickens that show clinical signs of infection with *Salmonella enteritidis*. Blood samples shall be tested in accordance with the procedures for the stained-antigen, rapid, whole-blood test described in §147.3 of this chapter. The Federal or State representative shall band each chicken tested with a band bearing a unique number identifying the chicken with the blood test results.

(2) *Internal organ samples.* The Federal representative or State representative shall collect a total of 60 chickens from each test poultry house, or each house of a test flock, and send the chickens to an authorized laboratory for testing of internal organs. The Federal representative or State representative shall include in this sample all chickens that reacted to the blood test in paragraph (c)(1) of this section. If *Salmonella enteritidis* serotype *enteritidis* is recovered from any manure, or egg

transport machinery samples tested in accordance with paragraph (b)(1)(i) of this section, the Federal representative or State representative shall collect additional chickens from the rows that supplied the manure, or egg transport machinery samples from which *Salmonella enteritidis* serotype *enteritidis* was recovered, to bring the total number of chickens from each house submitted for internal organ testing to 60.

(d) *Test methods for samples.* Blood samples shall be tested either at the flock premises or at an authorized laboratory, and all other samples shall be sent for testing to an authorized laboratory. Blood samples shall be tested using a stained-antigen, rapid, whole blood test, in accordance with §147.3 of this chapter. Manure, egg transport machinery, and internal organ samples shall be sent for testing to an authorized laboratory, where they shall be cultured for identification of *Salmonella enteritidis* serotype *enteritidis* as follows:

(1) *Manure and egg transport machinery samples.* Place each sample in approximately 10 times its volume of Hajna tetrathionate or Mueller-Kauffman tetrathionate selective enrichment broth, and incubate at 41°C for 24 hours. Use each enriched sample to inoculate an agar plate of Brilliant green agar supplemented with novobiocin or XLT4 agar, and incubate the plates at 37°C for 24 hours. Inoculate at least 5 *Salmonella*-suspect colonies from each sample to slants of triple-sugar iron (TSI) agar and lysine-iron (LI) agar, and incubate at 37°C for 24 hours. Cultures showing typical reactions on TSI or LI or both shall be screened with Group D antiserum. Send all Group D isolates to the National Veterinary Services Laboratories for further characterization.

(2) *Internal organ samples.* Place each sample in approximately 10 times its volume of Hajna tetrathionate or Mueller-Kauffman tetrathionate selective enrichment broth, and incubate at 37°C for 24 hours. Use each sample to inoculate an agar plate of Brilliant green agar supplemented with novobiocin or XLT4 agar, and a supplemental plate of MacConkey agar if so desired, and incubate the plates at 37°C for 24 hours. Inoculate at least 5 *Salmonella*-suspect colonies from each

sample to slants of TSI agar and LI agar, and incubate at 37°C for 24 hours. Cultures showing typical reactions on TSI or LI or both shall be screened with Group D antiserum. Send all Group D isolates to the National Veterinary Services Laboratories for further characterization.

(e) *Release from infected poultry house status or infected flock status; post-release sampling and testing.* (1) A Federal or State representative shall determine that a house or flock is no longer an infected poultry house or an infected flock, and shall notify in writing the person in control of the house or flock of that determination, if the Federal or State representative determines that, after the house or flock has been determined to be infected:

(i) The house or flock has been depopulated, and cleaned, washed, and disinfected in accordance with § 82.37 of this subpart; or,

(ii) Internal organ samples from the chickens in the house or flock have been collected and tested in accordance with paragraphs (c) and (d) of this section, with no recovery of *Salmonella enteritidis* serotype *enteritidis*.

(2) For 18 months following the repopulation of a flock or house released from infected status, due to depopulation, cleaning, washing, and disinfection pursuant to paragraph (e)(1)(i) of this section, or for 18 months following release of a flock or house from infected status, due to testing negative for *Salmonella enteritidis* serotype *enteritidis* pursuant to paragraph (e)(1)(ii) of this section, the Administrator may make such periodic collection and testing of samples from the flock or house as he or she determines to be necessary to ensure that the house or flock is free of *Salmonella enteritidis* serotype *enteritidis*; *provided*: that such sample collection and testing will not be performed if the flock or house is participating in a voluntary program approved by the Administrator to control *Salmonella enteritidis* serotype *enteritidis*. If one or more manure or egg transport machinery samples collected and tested in accordance with the provisions of paragraphs (b)(1) and (d) of this section test positive for *Salmonella enteritidis* serotype *enteritidis*, the flock or house from

which the sample was taken shall be determined to be a test flock or test poultry house. If one or more internal organ samples collected and tested in accordance with the provisions of paragraphs (c)(2) and (d) of this section test positive for *Salmonella enteritidis* serotype *enteritidis*, the flock or house from which the sample was taken shall be determined to be an infected flock or infected poultry house. If the person in control of the flock or poultry house has refused to schedule sample collection within 48 hours of the time a Federal or State representative requests such sample collection, or has refused to allow completion of sample collection according to the schedule set by the Federal or State representative, the flock or poultry house shall be determined to be in test status.

[56 FR 3788, Jan. 30, 1991; 56 FR 11062, Mar. 15, 1991, as amended at 57 FR 779, Jan. 9, 1992; 59 FR 67613, Dec. 30, 1994; 66 FR 21062, Apr. 27, 2001]

§ 82.33 Interstate movement or export of articles from test poultry houses, test flocks, infected poultry houses, and infected flocks.

Eggs, live chickens, cages, coops, containers, troughs, and other equipment, and manure may be moved interstate from a test poultry house, test flock, infected poultry house, or infected flock only in accordance with this section.

(a) Eggs that are crushed and denatured or otherwise denatured to deter their use as human food in accordance with 7 CFR part 59 may be moved interstate from a test poultry house, test flock, infected poultry house, or infected flock without further restriction under this subpart; *except that*, if the restricted eggs are destined for use as a protein or mineral supplement in animal feed, the eggs may be moved interstate only for pasteurization. Other eggs may be moved interstate from a test poultry house, test flock, infected poultry house, or infected flock only for pasteurization at an egg products plant inspected by the Agricultural Marketing Service in accordance with 7 CFR part 59, or for hard cooking at an egg products plant operating under the Agricultural Marketing Service Voluntary Egg Products

Inspection Service in accordance with 7 CFR part 55, or directly to a port for export from the United States. Such eggs may only be moved if:

(1) A permit has been obtained for the interstate movement or export in accordance with § 82.35 of this subpart, and

(2) The eggs are moved in a completely enclosed compartment of a vehicle that has had a seal applied to it by a Federal or State representative⁴ immediately prior to movement.

Such eggs may not be unloaded during transit. For eggs moved to an egg products plant, a Federal or State representative shall break the vehicle's seal at the plant. If the Federal or State representative finds that the cargo compartment of the vehicle is contaminated with material from broken eggs, or other material or litter that could spread *Salmonella*, he or she shall order the operator of the vehicle to clean and disinfect the compartment in accordance with § 71.7 of this chapter prior to the time the vehicle leaves the premises of the egg products plant.

(b) Live chickens may be moved interstate from a test poultry house, test flock, infected poultry house, or infected flock only if:

(1) A permit has been obtained for the interstate movement in accordance with § 82.35 of this subpart;

(2) The chickens are moved interstate to a Federally inspected slaughtering establishment; and

(3) The chickens are slaughtered within 24 hours of arrival at the Federally inspected slaughtering establishment; and

(4) The wheels and exposed surfaces of the vehicle used to move the chickens are cleaned and disinfected in accordance with § 71.7 of this chapter after the chickens are unloaded and prior to the time the vehicle leaves the premises of the slaughtering establishment.

(c) Cages, coops, containers, troughs, and other equipment may be moved interstate from a test poultry house, test flock, infected poultry house, or infected flock only if:

(1) A permit has been obtained for the interstate movement in accordance with § 82.35 of this subpart;

(2) The equipment is made of hard plastic or metal,

(3) The equipment has been cleaned and disinfected in accordance with § 71.7 of this chapter,

(4) The equipment was inspected by a Federal or State representative after it was cleaned but before it was disinfected, and then was disinfected in the presence of a Federal or State representative; and

(5) The wheels and exposed surfaces of the vehicle used to move the equipment are free of manure at the time the equipment leaves the premises of the test or infected poultry house.

(d) Manure may be moved interstate from a test poultry house, test flock, infected poultry house, or infected flock only if: A permit has been obtained for the interstate movement in accordance with § 82.35 of this subpart; the wheels and exposed surfaces of the vehicle used to move the manure are free of manure at the time the manure leaves the premises of the flock; and the manure is moved interstate for one of the following purposes:

(1) Burial,

(2) Spreading and turning under on fields not used for grazing or poultry production; or

(3) Composting in a covered compost heap for a period of at least one month.

[56 FR 3738, Jan. 30, 1991, as amended at 59 FR 67613, Dec. 30, 1994; 66 FR 21062, Apr. 27, 2001]

§ 82.34 Interstate movement of hatching eggs and newly-hatched chicks.

No hatching eggs or newly-hatched chicks from egg-type chicken breeding flocks may be moved interstate unless they are classified "U.S. S. Enteritidis Monitored" under the National Poultry Improvement Plan (NPIP), or meet the requirements of a State classification plan determined by the Administrator

⁴The location of Federal or State representatives can be obtained by writing to the Animal and Plant Health Inspection Service, Veterinary Services, Center for Planning, Certification, and Monitoring, 4700 River Road Unit 46, Riverdale, Maryland 20737-1231.

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to be equivalent to the NPIP, in accordance with §145.23(d) of this chapter. Flocks which meet this requirement are designated Certified *Salmonella enteritidis* serotype *enteritidis* Tested Free Flocks.

[56 FR 3738, Jan. 30, 1991, as amended at 61 FR 11517, Mar. 21, 1996]

§ 82.35 Issuance of permits.

Permits required by this part may be obtained by the owner of poultry or other items, or the agent of the owner, by applying in writing to a Federal representative.⁵ The application shall specify the following: The name and mailing address of the owner of the poultry or other items to be moved, or the name and address of the agent of the owner; the name and mailing address of the person who will receive the poultry or other items; the street addresses of both the origin and destination of the shipment; the number and types of poultry and other items to be moved; and the reason for their movement. An application for a permit to move eggs for export in accordance with §82.33(a) of this subpart must also include a written statement signed by the exporter stating that the proposed exportation meets the requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 *et seq.*).

§ 82.36 Denial and withdrawal of permits.

(a) *Denial.* If a Federal representative denies a request for a permit, he or she will send the applicant a written notice of the denial, explaining why the permit was denied.

(b) *Withdrawal.* If a Federal representative determines that the holder of a permit is violating either the regulations or a condition specified in the permit, he or she may withdraw the permit by notifying the holder of the permit of its withdrawal, orally or in writing. If the notice was oral, a written notice of the withdrawal, explaining why the permit was withdrawn, will follow.

(c) *Appeals.* Denial or withdrawal of a permit may be appealed in writing to the Administrator within 10 days after receipt of the written notice of denial

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or withdrawal. The appeal must tell the Administrator what material facts are in dispute. A hearing will be held with respect to any disputed material facts, in accordance with rules of practice which shall be adopted by the Administrator for the proceeding; however, the withdrawal or denial shall continue in effect pending the completion of the proceeding, and any judicial review thereof, unless otherwise ordered by the Administrator.

§ 82.37 Cleaning, washing, and disinfection of depopulated infected poultry houses.

If any infected poultry house is depopulated⁶, the poultry house shall be cleaned, washed, and disinfected as follows between the time the poultry house is depopulated and the time the new birds arrive at the premises. All manure and litter must be removed from the house to an isolated area where there is no opportunity for dissemination of disease organisms; all surfaces in the house (except dirt floors) must be scrubbed with hot, soapy water and rinsed; and all surfaces in the house must be sprayed in accordance with the label directions with a disinfectant which is registered by the U.S. Environmental Protection Agency as germicidal, and which is effective against *Salmonella enteritidis* serotype *enteritidis*.⁷ The owner or person in control of the infected poultry house must request a Federal or State representative to inspect the poultry house after it is disinfected but before it is restocked with new chickens, and cleaning, washing, and disinfection shall not be considered completed until

⁶Upon request of the flock owner, APHIS will conduct environmental testing for *Salmonellae* of depopulated poultry houses between the time they are disinfected and the time they are restocked.

⁷A list of some disinfectant solutions registered by the U.S. Environmental Protection Agency as germicidal that are effective against *Salmonella enteritidis* serotype *enteritidis* may be obtained by writing to the Animal and Plant Health Inspection Service, Veterinary Services, Center for Planning, Certification, and Monitoring, 4700 River Road Unit 46, Riverdale, Maryland 20737–1231.

⁵See Footnote 4 to §82.33 of this part.

the Federal or State representative determines the procedures have been properly performed.

[56 FR 3738, Jan. 30, 1991, as amended at 59 FR 67613, Dec. 30, 1994; 66 FR 21062, Apr. 27, 2001]

§ 82.38 Monitoring other poultry houses on premises containing infected poultry houses; monitoring poultry houses released from infected poultry house status.

(a) This paragraph applies to any poultry house that is in test poultry house status at any time when any other poultry house on the same premises is in infected poultry house status. If any such test poultry house is released from test poultry house status in accordance with § 82.32(b)(2) of this subpart, the poultry in the former test poultry house will be tested a third time with the blood and internal organ tests required by § 82.32 (c) and (d) of this subpart, within 45 to 60 days following the date the house was released from test house status. If this blood and internal organ monitoring test has positive results, the poultry house will be determined to be an infected poultry house in accordance with § 82.32 (c) and (d) of this subpart.

(b) All other poultry houses on a premises containing an infected poultry house, except any test poultry house, shall undergo monitoring tests as follows from the date the flock owner is notified of the determination of an infected house until 120 days after the date infected house status is removed from all poultry houses on the premises. A Federal representative or State representative shall collect manure and egg transport machinery samples from each house in accordance with § 82.32(b) of this subpart, at intervals of not less than 45 days and not more than 60 days. If the samples from any house test positive in accordance with § 82.32(d) of this subpart, that house shall be determined to be a test poultry house in accordance with § 82.32(b) of this subpart.

(c) The poultry in any infected poultry house that is released from infected poultry house status in accordance with § 82.32(e) of this subpart must be tested a third time with the blood and internal organ test required by

§ 82.32(c) of this subpart, within 45 to 60 days following the date the house was released from infected poultry house status. If this blood and internal organ monitoring test has positive results, the poultry house will be determined to be an infected poultry house in accordance with § 82.32(c) of this subpart.

PART 85—PSEUDORABIES

Sec.

- 85.1 Definitions.
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- 85.3 General restriction.
- 85.4 Interstate movement of livestock.
- 85.5 Interstate movement of infected swine or exposed swine.
- 85.6 Interstate movement of pseudorabies vaccinate swine, except swine from qualified negative gene-altered vaccinated herds, not known to be infected with or exposed to pseudorabies.
- 85.7 Interstate movement of swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies.
- 85.8 Interstate movement of swine from a qualified negative gene-altered vaccinated herd.
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- 85.10 Interstate movement of swine semen and swine embryos for insemination of or implantation into swine.
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- 85.12 Cleaning and disinfecting means of conveyance.
- 85.13 Cleaning and disinfecting livestock markets and other facilities.

AUTHORITY: 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.4.

SOURCE: 44 FR 10309, Feb. 16, 1979, unless otherwise noted.

§ 85.1 Definitions.

For purposes of this part, the following terms mean:

Accredited veterinarian. A veterinarian approved by the Administrator in accordance with the provisions of part 161 of this title to perform functions specified in parts 1, 2, 3, and 11 of subchapter A, and subchapters B, C, and D of this chapter, and to perform functions required by cooperative state-federal disease control and eradication programs.

Administrator. The Administrator, Animal and Plant Health Inspection